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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
8 AT SEATTLE

9 ARTURO ALEXANDER BARRIENTOS,

10 v.  
11 MORROW COUNTY CIRCUIT COURT,

12 Respondent.

Case No. C15-1064-BJR-MAT

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14 REPORT AND RECOMMENDATION

15 On June 26, 2015, petitioner Arturo Barrientos submitted to this Court for filing a petition  
16 for writ of habeas corpus under 28 U.S.C. § 2254. (See Dkt. 1.) However, petitioner failed to  
17 submit with his petition either the \$5.00 filing fee or an application to proceed with this action *in*  
18 *forma pauperis*. (See *id.*) Thus, on July 1, 2015, the Clerk sent petitioner a letter notifying him  
19 of this deficiency and advising him that he would have to submit either the filing fee or a  
20 completed application for *in forma pauperis* status on or before July 31, 2015, or risk dismissal  
21 of this action. (Dkt. 2.) The Clerk also sent petitioner the appropriate *in forma pauperis*  
22 application form to complete. (See Dkt. 2.) To date, petitioner has submitted neither the filing  
23 fee nor a completed application for leave to proceed *in forma pauperis*.

As petitioner has had ample time to comply with the filing fee requirement, but has failed

1 to do so, this Court recommends that the instant action be dismissed without prejudice for failure  
2 to prosecute. A proposed order accompanies this Report and Recommendation.

3 Objections to this Report and Recommendation, if any, should be filed with the Clerk and  
4 served upon all parties to this suit within **twenty-one (21) days** of the date on which this Report  
5 and Recommendation is signed. Failure to file objections within the specified time may affect  
6 your right to appeal. Objections should be noted for consideration on the District Judge's  
7 motions calendar for the third Friday after they are filed. Responses to objections may be filed  
8 within **fourteen (14) days** after service of objections. If no timely objections are filed, the  
9 matter will be ready for consideration by the District Judge on **September 11, 2015**.

10 DATED this 20th day of August, 2015.

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13 Mary Alice Theiler  
14 United States Magistrate Judge  
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